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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,000	03/05/2002	Yukio Ozeki	034822-0102	4443

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EXAMINER

FORD, JOHN K

ART UNIT PAPER NUMBER

3753

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,000

Applicant(s)

OZEKI ET AL.

Examiner

John K. Ford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/04
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's response of June 7, 2004 has been carefully considered. Two new claims (16 and 17) have been added. Applicant's arguments relating to JP '327 do not state what exact language in claim 1 defines over the reference. In the penultimate paragraph on page 9 of applicant's response, it is alleged the recited "air guide arrangement" and its disposition is not suggested by JP'327. This is a statement but not an explanation. Clearly wall 22 (or 21) in JP '327 is an air guide arrangement since it guides air to an outlet port. There is nothing in claim 1 that states that the claimed air guide arrangement must necessarily stop short of the "air blow opening" as argued on page 9 of applicant's response. The arguments with respect to original claims 1-6 and 11-15 are simply incommensurate with what is actually claimed. Indeed, the arguments seem to be addressed to the purported allowability of new claims 16 and 17.

With respect to claim 6, applicant argues (page 10 of applicant's response) that JP '327 does not disclose an elongated base (analogous to element 25 of applicant's disclosure) and a baffle plate (e.g. element 26). The "second opening" in applicant's claim is bypass opening 67 of applicant's disclosure. Applicant also argues partition plates 21 or 22 are not raised from the middle portion of the base plate. The examiner respectfully disagrees with every one of these assertions.

First of all, JP '327 clearly has a "second opening" between the top of the heater and the element labeled 37. It also clearly shows an elongated base plate formed by elements 30 extending from each side of partitions 21 and 22 (analogous to element 25 of applicant's disclosure). Each of baffle plates 21 and 22 rises from the middle portion

of base plate 30 (Fig. 4), very much like applicant's non-elected Figure 9 embodiment where each of baffle plate 39 rises from an associated base plate 38.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how far the recess claimed in claim 16 extends. After "which" in claim 16, line 4, the Examiner would suggest inserting - - extends across said case and which - - to make this clear. The nature of 'middle' is unclear in claim 16. It is unclear whether one means middle in the horizontal or vertical direction. After "recess" in claim 16, line 6, the Examiner would suggest inserting - - substantially less than the distance to said ventilation outlet opening of said casing thereby enhancing mixing in the air mix chamber. - - to make this clear, and to differentiate the prior art which seeks to define three separate flows to the respective case outlets.

Claims 1-6, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Calsonic's JP '327.

Calsonic's JP '327 shows an evaporator 12, heater 13, air mix door Dr, an air mix chamber in the area downstream of the heater and air mix door, a bypass passage over the heater and an air guide arrangement 22 (see Figures 4 and 5).

The Examiner's comments above, addressing applicant's arguments in the previous rejection, are incorporated here by reference. Regarding claim 17, only one air

mix door is submitted to be located in any individual bypass passage and applicant's claims are not restricted to there being only one bypass passage.

Claims 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calsonic's JP '327 as applied to claims 1-6 and 13 are above, and further in view of Calsonic's JP 11-5431.

Calsonic's JP '431 teaches a butterfly vent door DV (Figs. 1-6) used in place of a damper DV (Fig. 7). To have substituted a butterfly vent door for door 5 in Figure 2 of Calsonic's JP '327 would have been obvious to one of ordinary skill in the art to improve airflow. Note JP '327 already shows a butterfly door 6 in the foot passage and the walls of the passage function as a door stopper.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 6 above, and further in view of JP 11-198636.

While the prior art (JP '327) shows a three zone system, to have removed one of the partitions and located the other centrally to make a two zone system would have been obvious from JP '636, which teaches a two zone system with a central partition 27.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to John Ford at telephone number (571) 272-4911.

Ford/PJ

04/26/05

A handwritten signature in black ink, appearing to be 'John K. Ford', written in a cursive, stylized manner.

John K. Ford
Primary Examiner